

NM/326329

Firm No. 14503

70-1136-537

IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS

FRANKLIN, SAMUEL (K-60141),)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 07 C 6415
CORRECTIONS OFFICER CUNNINGHAM,)	
)	
Defendant.)	
)	
)	
)	

PLAINTIFF SAMUEL FRANKLIN'S SECOND MOTION FOR EXTENSION OF TIME

NOW COMES Plaintiff, SAMUEL FRANKLIN ("Franklin"), by and through his attorneys, Tressler Soderstrom Maloney & Priess, LLP, and he hereby requests that this Court enter an Order extending the time in which to file a Second Amended Complaint, and in support thereof, states the following:

1. On November 13, 2007, Franklin filed his Complaint and Motion for Leave to File *In Forma Pauperis*.
2. On November 19, 2007, this Court granted Franklin's Motion for Leave to File *In Forma Pauperis*, and dismissed the Complaint without prejudice.
3. On December 21, 2007, Franklin filed an Amended Complaint.
4. On January 17, 2008, this Court appointed Todd S. Schenk, of Tressler Soderstrom Maloney & Priess, LLP, to represent Franklin under District Court Local Rules 83.11(g) and 83.37.

5. On January 17, 2008, Franklin's Amended Complaint was dismissed without prejudice to appointed counsel filing a second amended complaint within 60 days if the second amended complaint comports with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

6. Franklin filed a motion for an extension of time to file a second amended complaint on March 12, 2008, which Honorable Judge Castillo granted on March 18, 2008.

7. On March 12, 2008, undersigned counsel requested numerous documents from the Cook County Department of Corrections relevant to his initial fact investigation. Since that date, counsel again requested the documents on March 31, 2008 and April 24, 2008, but has yet to receive any of the requested documents.

8. Mr. Schenk interviewed Franklin on Friday, March 14, 2008.

9. Franklin's counsel is currently in the midst of an initial fact investigation, and has requested numerous documents from the Cook County Department of Corrections on several different occasions. Some of these documents have been received, but many of those requested documents have not yet been produced after multiple requests, and are currently being sought.

10. As a result, Franklin's counsel has not completed the investigation, and thus seeks an additional 28 days, until June 13, 2008, to file a Second Amended Complaint, if deemed proper under Rule 11.

WHEREFORE, Plaintiff Franklin respectfully requests that this Court issue an Order extending the time in which to file Franklin's Second Amended Complaint to June 13, 2008.

SAMUEL FRANKLIN

By: /s/ Todd S. Schenk
One of His Attorneys

Todd S. Schenk
Nicolas Mesco
Tressler Soderstrom Maloney & Priess, LLP
Sears Tower, 22nd Floor
233 South Wacker Drive
Chicago, IL 60606-6399
(312) 627-4000
(312)627-1717 (fax)
Firm No. 14503